

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DONALD SMITH, DECEASED, by  
GLORIA SMITH, Personal  
Representative for the Estate of DONALD SMITH,

Plaintiff,

CASE NO. 05-70760  
HON. LAWRENCE P. ZATKOFF

v.

THE UNITED STATES OF AMERICA,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

On February 22, 2006, Plaintiff filed a Motion to Reconsider the Court's February 13, 2006 Opinion and Order denying Plaintiff's Motion for Partial Summary Judgment. A motion for reconsideration is governed by E.D. MICH. LR 7.1(g)(3), which states:

the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

The Court finds that Plaintiff has not met this standard. Plaintiff's Motion for Reconsideration merely presents the same issues that were already addressed by the Court in its February 13, 2006 Opinion and Order. Additionally, Plaintiff has failed to show a palpable defect by which the court and the parties have been misled. For these reasons, Plaintiff's Motion for Reconsideration is  
  
HEREBY DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: March 15, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 15, 2006.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290